

Opening Statement
Lead Impeachment Manager Raskin
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Good day. Now, some people think this Trial is a contest of lawyers or, even worse, a competition between political parties. It is neither. It is a moment of truth for America.

My late father, Marcus Raskin, once wrote: “Democracy needs a ground to stand upon. And that ground is the truth.”

America needs the truth about ex-President Trump’s role in inciting the insurrection on January 6th because it threatened our government and it disrupted--it easily could have destroyed--the peaceful transfer of power for the first time in 233 years.

It was suggested yesterday by President Trump’s counsel that this is really like a very bad accident or a natural disaster where lots of people get injured or killed and society is just out looking for someone to blame and that’s a natural and normal human reaction, according to President’s counsel, but he says it is totally unfair in this case. President Trump, according to Mr. Castor, is essentially an innocent bystander who got swept up in this catastrophe but did nothing wrong. In this assertion, Mr. Castor unerringly echoes his client, ex-President Trump, who declared after the Insurrection that his conduct in the affair was “totally appropriate,” and therefore we can only assume he could do and would do the exact same thing again because he said his conduct was totally appropriate.

So now the factual inquiry of the Trial is squarely posed for us. The jurisdictional constitutional issue is gone: whether you were persuaded by the President’s constitutional analysis yesterday or not, the Senate voted to reject it and so the Senate is now properly exercising its jurisdiction and sitting as a Court of Impeachment conducting a Trial on the facts. We are having a Trial on the facts.

The House says ex-President Donald Trump incited a violent insurrection against Congress and the Constitution and the people. The President’s lawyers and the President say his conduct was totally appropriate and he is essentially an innocent victim of circumstances, like the other innocent victims that we’ll see getting caught up in all of the violence and chaos over the next several days.

The evidence will be for you to see and hear and digest. The evidence will show you that ex-President Trump was no innocent bystander.

The evidence will show that he clearly incited the January 6th insurrection. It will show that Donald Trump surrendered his role as Commander-in-Chief and became the Inciter-in-Chief of a dangerous Insurrection and this was, as one of our colleagues put it so cogently on January 6th itself, the greatest betrayal of the Presidential Oath in the history of the United States.

The evidence will show you that he saw it coming and was not remotely surprised by the violence. And when the violence inexorably and inevitably came, as predicted, and overran this body and the House of Representatives with chaos, we will show you that he completely abdicated

his duty as Commander in Chief to stop the violence and protect the government and protect our officers and protect our people.

He violated his oath of office to preserve, protect and defend the Constitution, the government, and the people of the United States.

The evidence will show that he assembled, inflamed, and incited his followers to descend upon the Capitol to “Stop the Steal,” to block Vice President Pence and Congress from finalizing his opponent’s election victory over him.

It will show that he had been warned that these followers were prepared for a violent attack, targeting us, at the Capitol through media reports, law enforcement reports, and even arrests.

In short, we will prove that the impeached President was no innocent bystander whose conduct was “totally appropriate” and should be a standard for future Presidents, but that he incited this attack and he saw it coming.

To us, it may have felt like chaos and madness, but there was method in the madness that day.

This was an organized attack on the counting of the Electoral votes in Joint Session of the United States Congress, under the 12th Amendment and under the Electoral Count Act, to prevent Vice-President Mike Pence and to prevent us from counting sufficient Electoral College votes to certify Joe Biden’s victory of 306-232 in the Electoral College. A margin that President Trump had declared a landslide in 2016.

When my colleague Mr. Neguse speaks after me, he will set forth in detail the exact roadmap of all the evidence in the case.

My fellow House Managers and I will then take you through that evidence step by step so everyone can see exactly how these events unfolded.

But I want to tell you a few key reasons right now that we know this case is not about blaming an innocent bystander for the horrific violence and harm that took place on January 6. This is about holding accountable the person singularly responsible for inciting this attack.

Let’s start with December 12th. You will see during this trial a man who praised, and encouraged, and cultivated violence.

“We have just begun to fight,” he says, more than a month after the election has taken place and that’s before the second Million MAGA March—a rally that ended in serious violence and even the burning of a church.

And, as the President forecasted, it was only the beginning.

On December 19th – 18 days before January 6th – he told his base about where the battle would be that they would fight next. January 6th would be “wild” he promised. “Be there, will be wild”, said the President of the United States of America.

And that, too, turned out to be true.

You’ll see, in the days that followed, Donald Trump continued to aggressively promote January 6th to his followers.

The event was scheduled at the precise time that Congress would be meeting in Joint Session to count the Electoral College votes and to finalize the 2020 Presidential Election.

In fact, in the days leading up to the attack, you’ll learn that there were countless social media posts, news stories and, most importantly, credible reports from the FBI and Capitol Police that the thousands gathering for the President’s Save America March were violent, organized with weapons, and were targeting the Capitol. This mob got organized so openly because, as they would later scream in these halls, and as they posted on forums before the attack, they were sent here by the President. They were invited here by the President of the United States of America.

And when they showed up, knowing of these reports that the crowd was angry and it was armed, here’s what Donald Trump told them.

President Trump whipped the crowd into a frenzy, exhorting followers: “if you don’t fight like hell, you’re not going to have a country anymore.” Then he aimed straight at the Capitol, declaring: “You’ll never take back our country with weakness. You have to show strength, and you have to be strong.” He told them to fight like hell and they brought us hell on that day.

Incited by President Trump, his mob attacked the Capitol. This assault unfolded live on television before a horrified nation.

According to those around him at the time, this is how President Trump reportedly responded to the attack that we saw him incite in public. Delight. Enthusiasm. Confusion as to why others around him weren’t as happy as he was.

Trump incited the January 6th attack and, when his mob overran and occupied the Senate and attacked the House and assaulted law enforcement, he watched it on TV like a reality show. He reveled in it, and he did nothing to help us as Commander-in-Chief. Instead, he served as the Inciter-in-Chief, sending tweets that only further incited the rampaging mob. He made statements lauding and sympathizing with the insurrectionists.

At 4:17 pm, over three hours after the beginning of the siege, for the very first time he spoke out loud (not on twitter) spoke out loud to the American people.

Here’s what he said.

[video plays, then-President Trump says: “I know your pain. I know your hurt.”]

So, you might be saying – alright, the President’s going to console us now. He’s going to reassure America. He knows our pain. He knows we’re hurt. We’ve just seen these horrific images of officers being impaled and smashed over the head. We had just been under attack for 3 hours. But here’s what he actually goes on to say:

[video plays, then-President Trump says: “I know your hurt. We had an election that was stolen from us. It was a landslide election, and everyone knows it, especially the other side.”]

You think he’s about to decry the mayhem and the violence, the unprecedented spectacle of this mob attack on the U.S. Capitol, but he’s still promoting the Big Lie that was responsible for inflaming and inciting his mob in the first place.

If anyone ever had a doubt as to his focus that day, it was not to defend us, it was not to console us – it was to praise and sympathize and commiserate with the rampaging mob. It was to continue to act as Inciter-in-Chief, not Commander-in-Chief, by telling the mob that their election had been stolen from them—even then, after that vicious attack, he continued to spread the Big Lie.

As everyone here knows, Joe Biden won by more than 7 million votes and 336-232 in the Electoral College.

But Donald Trump refused to accept his loss even after this attack and he celebrated the people who violently interfered with the peaceful transfer of power for the first time in American history and did that at his urging.

And when he did in this video finally tell them to go home in peace, he added this message. “We love you. You’re very special.”

Distinguished Members of the Senate, this is a day that will live in disgrace in American history.

That is, unless you ask Donald Trump.

Because this is what he tweeted before he went to bed that night at 6:01pm.

No consoling the nation, not reassuring everyone that the government was secure. Not a single word that entire day condemning the violent insurrection.

This is what he says: “These are the things and events that happen when a sacred landslide election victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long. Go home with love & in peace. Remember this day forever!”

In other words – this was all perfectly natural and foreseeable to Donald Trump.

At the beginning of the day he told you it was coming and at the end of the day he basically says, I told you this would happen.

Then he adds: “Remember this day forever.”

But not as a day of disgrace, a day of horror and trauma, as the rest of us remember it.

But as a day of celebration. A day of commemoration.

And, if we let it be, it will be a day of continuation, a call to action and a rallying cry for the next round of insurrectionary injustice because all of this was “totally appropriate.” Senators, the stakes of this Trial could not be more serious.

Every American, young and old and in between, is invited to participate with us in this essential journey to find the facts and share the truth. Trials are public events in a democracy, and no Trial is more public or significant than an Impeachment Trial. Because the Insurrection brought shocking violence, bloodshed and pain to the Nation’s Capital, and we will be showing relevant clips of the mob’s attack on police officers and other innocent people, we do urge parents and teachers to exercise close review of what young people are watching here and please watch along with them if you’re allowing them to watch. The Impeachment Managers will try to give warnings before the most graphic and disturbing violence that took place is shown.

We believe that the Managers’ comprehensive and meticulous presentation will lead to one powerful and irresistible conclusion: Donald Trump committed a massive crime against our Constitution and our people and the worst violation of the presidential oath of office in the history of the United States of America. For this, he was impeached by the House of Representatives and he must be convicted by the United States Senate.

Before I close, I want to address a constitutional issue still lingering from yesterday’s argument.

The President obviously is still exploring ways to change the subject and talk about anything other than his responsibility for inciting the attack. We heard a lot yesterday about his claim that this incitement of the insurrection was perfectly appropriate because it is somehow protected by the First Amendment. This little diversion caught my eye because I’ve been a professor of Constitutional Law and the First Amendment for decades.

As we’ll demonstrate over the course of trial, the factual premise and the legal underpinnings of that claim are all wrong. They present President Trump as merely a guy at a rally expressing a political opinion that we disagree with, and now we’re trying to put him in jail for it. That has nothing to do with the reality of these charges or his constitutional offense. The particular political opinions being expressed are not why we impeached the President and have nothing to do with it. It makes no difference what the ideological content of the mob was, and if we license and forgive incitement to violent insurrection by militant Trump followers this week, you can be sure there will be a whole bunch of new ideological flavors coming soon.

As we will demonstrate with overwhelming evidence, portraying Trump as a guy on the street being punished for his ideas is a false description of his actions, his intent and the role that he played on January 6th, when he willfully incited an insurrectionary mob to riot at the Capitol.

Last week, 144 constitutional scholars, including Floyd Abrams, a ferocious defender of free speech in the law, Ronald Reagan's Solicitor General, Charles Fried, and the Co-founder of the Federalist Society Steven Calabresi, released a statement calling the President's First Amendment arguments "legally frivolous," adding, "we all agree that the First Amendment does not prevent the Senate from convicting President Trump and disqualifying him from holding future office." They went on to say: "No reasonable scholar or jurist could conclude that President Trump had a First Amendment right to incite a violent attack on the seat of the legislative branch, or then to sit back and watch on television as Congress was terrorized and the Capitol sacked."

Incitement to violence is, of course, not protected by the First Amendment. That's why most Americans have dismissed Donald Trump's First Amendment rhetoric simply by referring to Justice Oliver Wendell Holmes's handy phrase: "You can't shout fire in a crowded theater."

But even that time-honored principle doesn't begin to capture how off-base the argument is.

This case is much worse than someone who falsely shouts fire in a crowded theater. It's more like a case where the town Fire Chief, who is paid to put out fires, sends a mob not to yell "fire" in a crowded theater but to actually set the theater on fire—and who then, when the fire alarms go off and the calls start flooding into the Fire Department asking for help, does nothing but sit back, encourage the mob to continue its rampage, and watch the fire spread on TV with glee and delight.

So then we say this Fire Chief shouldn't ever be allowed to hold this public job again and you're fired, and you're permanently disqualified, and he objects and he says we're violating his free speech rights just because he's pro-mob or pro-fire or whatever it might be. Come one. You really don't need to go to law school to figure out what's wrong with that argument.

Here's the key. Undoubtedly a private person can run around on the street expressing his or her support for the enemies of the United States and advocating the overthrow of the United States government. You've got a right to do that under the First Amendment. But if the President spent all of his days doing that, uttering the exact same words, expressing support for the enemies of the United States and for overthrowing the government, is there anyone here who doubts that this would be a violation of his Oath of Office to "preserve, protect and defend" the Constitution of the United States and that he or she could be impeached for that?

If you're President of the United States, you have chosen a side with your Oath of Office, and if you break it, we can impeach, convict, remove and disqualify you permanently from holding any Office of honor, Trust or Profit under the United States. As Justice Scalia once said, memorably: "you can't ride with the cops and root for the robbers." And if you become Inciter-in-Chief to the Insurrection, you can't expect to be on the payroll as Commander-in-Chief for the Union.

Trump was the President of the United States and he had sworn to "preserve, protect and defend" the Constitution. He had an affirmative, binding duty—one that set him apart from everyone else in the country—to "take Care that the Laws be faithfully executed," including all the laws against assaulting federal officers, destroying federal property, violently threatening Members of Congress and the Vice-President, interfering with federal elections, and dozens of other federal laws that are well-known to all of you. When he incited insurrection on January 6, he broke that Oath. He

violated that duty. And that is why we are here today. That is why he has no credible constitutional defense.

I'll tell you a final sad story in this kaleidoscope of sadness and terror and violence.

One of our Capitol Officers who defended us that day was a longtime veteran of our force, a brave and honorable public servant who spent several hours battling the mob as part of one of those blue lines defending the Capitol and our democracy. For several hours straight as the marauders punched and kicked and mauled and spit upon and hit Officers with baseball bats and fire extinguishers, cursed the cops and stormed our Capitol, he defended us and he lived every minute of his Oath of Office. And afterwards, overwhelmed by emotion, he broke down in the Rotunda, and he cried for 15 minutes. And he shouted out: "I got called an n-word 15 times today."

And then he recorded: "I sat down with one of my buddies, another Black guy, and tears just started streaming down my face. I said, 'What the f*** man? Is this America?'"

That is the question before all of you in this trial – "Is this America?"

Can our country and our democracy ever be the same if we do not hold accountable the person responsible for inciting the violent attack against our country, our Capitol, our democracy, and all of those who serve us so faithfully and so honorably.

"Is this America?"

Mr. Neguse will now provide a roadmap of our evidentiary case.

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